

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:24-cv-00511-FDW-DCK**

JOHNNY E. MILLER,

Plaintiff,

v.

**CHARLOTTE MECKLENBURG
BOARD OF EDUCATION, CRYSTAL
HILL, and JACQUELINE BARONE,**

Defendants.

ORDER

THIS MATTER is before the Court on Plaintiff’s Motion to Strike. (Doc. No. 28.) On January 7, 2025, Sharika Robinson filed a Notice of Appearance on behalf of Plaintiff. (Doc. No. 23.) On January 31, 2025, Defendants filed their Motion to Dismiss and memorandum in support. (Doc. Nos. 24–25.) On February 7, 2025, Plaintiff filed a *pro se* response to Defendants’ Motion to Dismiss. (Doc. No. 26.) On February 13, 2025, Ms. Robinson filed a response to Defendants’ Motion to Dismiss, (Doc. No. 27), and a Motion to Strike Plaintiff’s *pro se* response, (Doc. No. 28.)

“A plaintiff has ‘no right to proceed *pro se*’ in an action wherein he is ‘represented by retained counsel.’” Blankenship v. Fox News Network, LLC, No. 2:19-cv-00236, 2021 WL 5283307, at *1 (S.D. W.Va. Nov. 12, 2021) (citing Frank M. McDermott, Ltd. v. Moretz, 898 F.2d 418, 422 (4th Cir. 1990)). Further, a represented party “has no right to conduct part of his own case by filing pleadings, conducting depositions, arguing motions, or examining witnesses during trial.” Haefner v. County of Lancaster, Pa., 165 F.R.D. 58, 59 (E.D. Va. 1996).

Plaintiff confirms he is still represented by Ms. Robinson. (Doc. No. 23; Doc. No. 28, p. 1.) Plaintiff explained he erroneously filed the first response to Defendants’ Motion to Dismiss.


(Doc. No. 28, p. 1.) Plaintiff and Ms. Robinson are both reminded to keep the Court updated about the representation in this case and to notify the Court of any changes in representation.

IT IS THEREFORE ORDERED:

1. Plaintiff's Motion to Strike, (Doc. No. 28), is **GRANTED**.
2. Plaintiff's *pro se* response, (Doc. No. 26), is **STRICKEN** from the docket.
3. Plaintiff's filing through counsel, (Doc. No. 27), is his response to Defendants' Motion to Dismiss.
4. Defendants may file a reply to Plaintiff's response by February 21, 2025.

IT IS SO ORDERED.

Signed: February 14, 2025



Frank D. Whitney
Senior United States District Judge

